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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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TM02/0130

EXAMINER

ROMAIN, J

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

01/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/292,552

Applicant(s)

Mauro et al

Examiner

Romain Jeanty

Group Art Unit

2163



☒ Responsive to communication(s) filed on Nov 9, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-70 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-33 and 48-52 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-7, 34-47, and 53-70 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Claims 1-7, 34-47, 53-70 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claims, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.
2. Applicant's election with traverse of claims 8-33, and 48-52 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the claims are not classified differently and do not have separate status in the art. This is not found persuasive because the search requirement for groups II is different for groups i, III, IV, V, and VI. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 8-12, 15, 21-25, and 28 are rejected under 102(e) as being anticipated by Ferstenberg et al (5,873,071).

As per claims 8, and 21, Ferstenberg discloses a computer program for providing a computer interface facilitating exchanges of financial commodities between a plurality of users "participants" which teaches the claimed limitations "a computer display of orders to buy certain securities at different prices based on the information transmitted over the network by at least some of the participants of the service, and a computer display of offers to sell the certain securities at different prices based on data transmitted over the network by at least some of the participants of the service" by providing a computer program and software for communicating messages" data" to participants of the system over a network (col. 9, lines 47-63 and col. 1, lines 1-9). Ferstenberg further discloses a software for displaying the orders to buy information. Note column 39, lines 54-58 of Ferstenberg.

As per claims 9, and 22 Ferstenberg discloses the program of claim 8 wherein the network is the Internet (col. 3, line 62).

As per claims 10, and 23, Ferstenberg discloses wherein the users are individuals "participants"(see abstract).

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As per claims 11, 15, 24, and 28 Ferstenberg further discloses the claimed limitation “a software for providing a computer display of a graphical representation of a range of prices offered for the certain securities in the user-to user trading” (col. 17, lines 12-24).

As per claims 12, and 25 Ferstenberg further discloses a software for displaying offers to buy or offers to sell provided by a particular user (col. 13, line 58 to col. 14, line 6).

5. Claims 48-49, 51-52 are rejected under 102(e) as being anticipated by Minton (6,014,643).

As per claim 48, Minton discloses a software for receiving and displaying data relating to price quotes for securities, data (col. 10, lines 46-54), data relating to relating to account balances (col. 13, lines 18-45), data relating to news item regarding securities (col. 9, lines 16-17, and data relating to a user’s position in securities (col. 8, lines 60-62).

As per claim 49, Minton discloses wherein the security is a stock (col. 8, lines 43-45).

As per claim 51, Minton further discloses a software for displaying in a graphical form market value of a security (col. 14, lines 7-19).

As per claim 52, Minton further discloses a software for displaying offers to buy and offers to sell securities in a user-to-user trading (col. 7, lines 33-46).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-20, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (US 6,014, 643).

As per claims 16 and 29, Minton discloses a computer program and interface and interface for allowing users to buy and sell securities (col. 3, line 65 to col. 4, line 11).

Minton further discloses the claimed limitations a computer display of user's current security position (col. 2, lines 60-62), a computer display of an open order list of the user (col. lines 7, lines 33-46), a computer display of a trade ticket (col. 11, lines 21-31).

Minton discloses the use of a security "stock" watch button but fails to explicitly disclose a computer display of a watch list of the securities wherein a price of at least one of the securities displayed in the watch list the securities displayed in the watch list is automatically updated without the user requesting each update. However, Official Notice is taken that a watch list is old and well known in the trading art to monitor trade transaction among users. A person of ordinary skill in the art would have been motivated to update a price in the watching list for the motivation of detecting irregularities which might be caused by rule violations in the stock market prices.

As per claims 17, and 30, Minton further discloses the program of claim 16 further providing a computer display of offers to buy and sell the securities. Note column 7, lines 33-36 of Minton.

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As per claim 18, and 31, Minton disclose the program of claim 17 further including software for providing a simultaneously displayed non-overlapping computer display of news information (col. 10, lines 43-48).

As per claim 19, and 32, Minton fails to disclose a means for pre-filling the data trade ticket. However, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to prefill the trade ticket in order to ensure that all trade conditions are obtained, thereby allowing all eligible standing orders to be considered.

As per claims 20 and 33, Minton fails to disclose simultaneously displaying non-overlapping computer display of performance of the securities. Official Notice is taken that displaying the performance of the securities is old and well known in the trading industry for monitoring the securities. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include this feature into Minton for the motivation tracking and analyzing the prices of the securities.

8. Claims 13-14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferstenberg et al (US 5,873,071).

As per claims 13, and 26 Ferstenberg further discloses software for displaying a negotiations process between two users in connection with purchasing a number of the certain securities, including means for displaying an electronic for entering a counter-offer (col. 13, line 58 to col. 14, line 6). Ferstenberg fails to explicitly disclose displaying an electronic form for entering the counter-offer. It would have been obvious to a person of ordinary skill in the art to

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display an electronic form for entering the counter-offer for easy retrieval of the counter-offer information. One would have been motivated to utilize this feature into Ferstenberg in order to exchange desired data by users of the system.

As per claims 14, and 27, Ferstenberg fails to explicitly disclose a button for accepting the offer. It would have been obvious to a person of ordinary skill in the art to display a button for accepting an offer into Ferstenberg. In so doing would enable a user to select the individual security or stock about which they wish to receive information.

9. Claims 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (US 6,014,643) in view of Broka et al (US 5,843,483).

As per claim 50, Minton discloses all of the limitations in claim 50 above but fails to explicitly disclose receiving updates to the price quotes for at least one security without the user requesting each of the updates and displaying an updated quote to the user. Broker on the other hand, discloses a system for monitoring information about debt securities and reporting trades in the debt securities market which receive updates price quotes and displaying the update the a user (col. 16, line 7 to col. 17, line 21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Minton by including a quote price update as taught by Broka. In so doing would improve the ability of traders to receive accurate and timely trade information.

Conclusion

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached at (703) 305-9643.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703)308-3900.

Romain Jeanty

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January 26, 2001.



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100